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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,054	01/31/2001	B. Michael Eckard	60990043-1	6040

7590 04/16/2007
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
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2863

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 09/773,054	Applicant(s) ECKARD ET AL.	
	Examiner Michael P. Nghiem	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-9, 12, 14-16, 19-22, 25, 27 and 30-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 6, 14-16, 22, 27, 30-33, 45 and 46 is/are allowed.
- 6) ☒ Claim(s) 7-9, 12, 19-21, 25 and 34-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

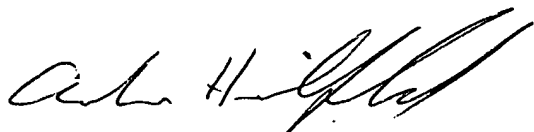
Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Director's Approval

The examiner has knowledge of the existence of Nguyen et al. (US 5,638,099) for use in the rejection of the claims as discussed below. MPEP 1214.04 states that "if the examiner has specific knowledge of the existence of a particular reference or references which indicate nonpatentability of any of the appealed claims as to which the examiner was reversed, he or she should submit the matter to the Technology Center (TC) Director for authorization to reopen prosecution under 37 CFR 1.198 for the purpose of entering the new rejection. See MPEP § 1002.02(c) and MPEP § 1214.07. The TC Director's approval is placed on the action reopening prosecution.

A handwritten signature in black ink, appearing to read "Andrew Hirshfeld", is written over a horizontal line.

Andrew Hirshfeld

TC 2800 Director

DETAILED ACTION

The BPAI decision filed on November 15, 2006 has been considered.

Withdrawal of Allowability

The indicated allowability of claims 7, 8, 19, and 20 is withdrawn in view of the new grounds of rejection as follow.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7, 8, 19, 20, 36, 37, 40, and 41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The computer program's or instruction code's functionality cannot be realized without a computer-readable medium. Thus, the computer program is treated as nonstatutory functional descriptive material (MPEP 2106(I)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 12, 21, 25, and 34-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen et al. (US 5,638,099).

Regarding claims 9, 12, 21, 25, 34, 40, Nguyen et al. discloses a method (Figs. 2, 3, 5) for servicing an inkjet printer (Fig. 1) including an inkjet printhead (column 8, lines 16-17) with a nozzle plate (612) of and a first service module (501) removably installed on the printer (Fig. 5), comprising:

- identifying a printhead-related service condition not adequately addressed by servicing the printer with the first service module being in an un-worn condition (un-worn cap cannot provide wiping service provided by wiper 502);
- providing a second service module (502) with a service function different from the first service module (wiper 502 has a different function from cap 501) and adapted to address said printhead-related service condition (wiper provides wiping function), the second service module removably installable on the printer (Fig. 5) and with respect to the first service module (502 is removably

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installed with respect to cap 501), wherein said printhead-related service condition includes ink accumulation on the nozzle plate (inherent feature/problem of nozzle plate), and wherein the second service module includes a wiper (wiper 502) fabricated of silicon, or a textile, or a special rubber for removing the ink accumulation (column 10, lines 57-58).

Regarding claim 35, Nguyen et al. discloses providing the second service module to the printer user (user installs wiper).

Regarding claims 9, 21, 36, 37, and 41, Nguyen et al. further discloses providing a set of instructions for using the second service module with the inkjet printer to the printer user wherein the step of providing a set of instructions includes providing a set of human-readable instructions for using the second service module (column 10, lines 39-48 provide human-readable instructions on how to use the second service module 502).

Regarding claims 38 and 42, Nguyen et al. discloses said printhead-related service condition comprises fibers accumulating on the printhead nozzle plate (contaminants, column 1, lines 56-58, and debris, column 1, line 67 – column 2, line 2, are deemed to include fibers) and wherein the second service module includes a brush (wiper, column 1, lines 67) to remove the fibers (with proper wiping force, column 1, lines 59-61).

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Regarding claims 39 and 43, Nguyen et al. discloses said printhead-related service condition includes ink accumulation on the nozzle plate, and wherein the second service module includes a wiper or applicator having applied thereto a cleaning fluid for removing the ink accumulation (column 2, lines 37-40).

Regarding claim 44, Nguyen et al. discloses said printhead-related service condition includes global depriming of the printhead or ink starvation of the printhead (problems necessitating priming, column 1, lines 34-35), and wherein the second service module includes a negative pressure primer (column 10, lines 24-28).

Allowable Subject Matter

Claims 5, 6, 14-16, 22, 27, 30-33, 45, and 46 are allowed.

Reasons For Allowance

The method or combination as claimed wherein removing the first service module from the printer and installing the second service module in the printer in place of the first service module (claim 5, 22, 30, 31, 45) or said printhead-related service condition includes ink on a printhead carriage interconnect, and the second service module includes a brush arranged to clean the interconnect (claims 14, 27) or the second service module includes a special capping structure having a range of movement along

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an axis generally transverse to a nozzle array of the printhead (claims 15, 32) is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Neese et al. (US 5,801,725) discloses instructions for using service station (10) (column 9, lines 53-59).

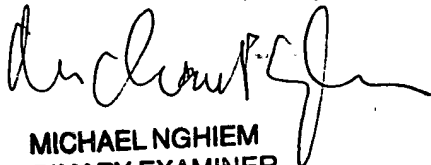
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-H.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

March 28, 2007